

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application. Claims 1, 3-10, 13-14, and 18-19 remain in the application. Of these, claims 1, 3-10, 14, and 18-19 stand rejected. Claim 13 stands objected to as being dependent on other rejected claims, but is otherwise allowable.

Various claims have been amended to allow for the incorporation of original claim 2 into original claim 1.

Claim 4 has been amended to recite that the biased conductor is "fixed" to the ground. Support for this amendment is found, at least, on page 10, lines 22-27; and FIGS. 1 and 2.

Claim 13 has been amended to place it in independent form.

Claim 14 has been amended where supported. None of the claim amendments adds new matter.

Claim 5 stands rejected under 35 USC § 112, second paragraph, as being indefinite.

Claim 5 stands rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the examiner states that antecedent basis is lacking for "the at least one actuator arm." The examiner also states that claim 5 would be allowable if rewritten to overcome the rejection under 35 USC § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claim 5 has been amended by changing its dependency, thereby providing proper antecedent basis for "the at least one actuator arm." Applicant's claim 5 is believed to be allowable.

Claims 1, 3, 4, 6-8, 10 and 19 stand rejected under 35 USC § 102(e) as being anticipated by Sun, et al. (US Pat. No. 6,211,756 B1; hereinafter "Sun").

Sun discloses an electromechanical relay (10) having a plurality of contacts (24, 26, 28) and an armature assembly (64). The armature assembly (64) has at least one actuator (76, 77) engaging one of the contacts (24, 26).

Applicant has amended claim 1 to incorporate claim 2, and thus claims 1 and 3-10 now recite, "at least one biased conductor, wherein the at least one biased conductor is biased not to couple the first circuit to the ground, and wherein movement of the armature assembly to its second position causes the at least one biased conductor to couple the first circuit to the ground."

Note that the biased conductor of applicant's claim 1 is biased *not* to couple the first circuit to the ground. This is in contrast to what is taught by Sun, wherein conductors 24 and 26 are biased to couple terminals 33 and 34 to ground. Given the nature of Sun's first and second circuits, as identified by the Examiner, Applicant sees no way to modify Sun's apparatus to conform to Applicant's claim 1. Applicant therefore believes claim 1 to be novel and unobvious over Sun's teachings. Claims 3, 4, 6-8 and 10 are believed to be allowable at least for the reason that they depend from claim 1.

Claim 4 has been amended to recite that the biased conductor is "fixed," rather than "coupled," to the ground. Sun discloses an upper stationary contact (90) connected to electrical ground via shield (16) and the header blank (22). Col. 4, lines 56-58. The contacts (24, 26, 28) disclosed in Sun are not fixed directly to the ground.

Claim 19 also stands rejected under 35 USC § 102(e) as being anticipated by Sun. Claim 19 stands rejected as being dependent upon rejected base claim 1. Claim 19 originally contained a scrivener's error incorrectly reciting its dependency upon claim 1. Claim 19 is properly dependent upon claim 18, not upon claim 1, and has been amended to correct this scrivener's error. Applicant's claim 19 is believed to be allowable.

For the reasons set forth above applicant's claims 1, 3-10, and 19 are believed to be allowable over Sun.

Claims 14 and 18 stand rejected under 35 USC § 102(b) as being anticipated by Charbonnier, et al. (US Pat. No. 4,595,893; hereinafter "Charbonnier").

Charbonnier discloses a three plate stripline element comprising two ground planes 4 and 8 and three conducting segments 1-2-3. Segments 1 and 3, fixed to ground plane 4, are pre-cambered downwardly. Segment 2 is integral with an insulating rod 5 which passes through a guide orifice 80 formed in conductor 8 and whole movement is controlled by coil 50.

Applicant has amended claim 14, to recite, "means, unattached from the pass-through and attenuator circuits, for alternately closing and allowing current flow through the pass-through and attenuator circuits." Support for this amendment is found, at least, on page 5, line 9 - page 6, line 17; and FIG. 4.

Applicant's invention comprises an armature assembly 102, 402, which is movable between the first and second circuits. The armature assembly 102, 402 of applicant's invention is unattached from the first and second circuits. The armature assembly 102, 402 is moved (my means of an electro-magnetic actuator assembly 106-112) between the first and second circuits, alternately closing and allowing current flow through the first and second circuits. Charbonnier discloses mobile rod 5, similar to a plunger, moving between the first and second circuits. Charbonnier also discloses conducting segment 2 as *integral* with mobile insulating rod 5. See Col. 2, line 42. As shown in Charbonnier FIGS. 1 and 2, the means (rod 5) for alternately closing and allowing current flow through the two circuits (1-2-3 and 1-6-7-3), is attached to and integral with the first circuit 1-2-3. Stated another way, the pass-through circuit (1-2-3) in Charbonnier is fixed to the armature assembly (rod 5) whereas applicant's invention comprises an armature assembly independent from both the pass-through and attenuator circuits.

Charbonnier discloses two ground planes 4 and 8 and insulating rod 5, which is not a biased conductor. Rod 5 is disclosed as an "insulating rod 5." Col. 2, line 42. Insulating material is distinguishable from conductive material and thus, rod 5 is not a

conductor. This is distinguishable from applicant's claim 4, which discloses a biased conductor fixed to ground. This has been previously discussed above with reference to Claim 4 and is incorporated herein by reference.

For the above reasons, claims 14 and 18 are believed to be allowable over Charbonnier.

Claims 1, 2, 4, 6-9, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Charbonnier (US Pat. No. 4,595,893; hereinafter "Charbonnier").

Charbonnier discloses a three plate stripline element comprising two ground planes 4 and 8 and three conducting segments 1-2-3. Segments 1 and 3, fixed to ground plane 4, are pre-cambered downwardly. Segment 2 is integral with an insulating rod 5 which passes through a guide orifice 80 formed in conductor 8 and whole movement is controlled by coil 50.

The test for obviousness under 35 U.S.C. §103 is whether the claimed invention would have been obvious to those skilled in the art in light of the knowledge made available by the reference or references. *In re Donovan*, 184 USPQ 414, 420, n. 3 (CCPA 1975). It requires consideration of the entirety of the disclosures of the references. *In re Rinehart*, 189 USPQ 143, 146 (CCPA 1976). As previously discussed above, the pass-through circuit (1-2-3) in Charbonnier is fixed to the armature assembly (rod 5) whereas applicant's claim 1, and thus dependent claims 3-10, disclose an armature assembly independent from both the pass-through and attenuator circuits. Charbonnier did not recognize the utility of an armature assembly independent from both the pass-through and attenuator circuits.

Additionally, all limitations of the claims must be considered. *In re Boe*, 184 USPQ 38, 40 (CCPA 1974). As recited above, Charbonnier discloses two ground planes 4 and 8 and insulating rod 5, which is not a biased conductor. This is distinguishable from applicant's claim 4, which discloses a biased conductor fixed to

ground. Charbonnier did not recognize the utility of fixing a biased conductor to ground.

Claim 13 stands objected.

Claim 13 is objected to as being dependent upon a rejected base claim, but the examiner states claim 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant's claim 13 is believed to be allowable.

Given the above Remarks, applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
DAHL & OSTERLOTH, L.L.P.

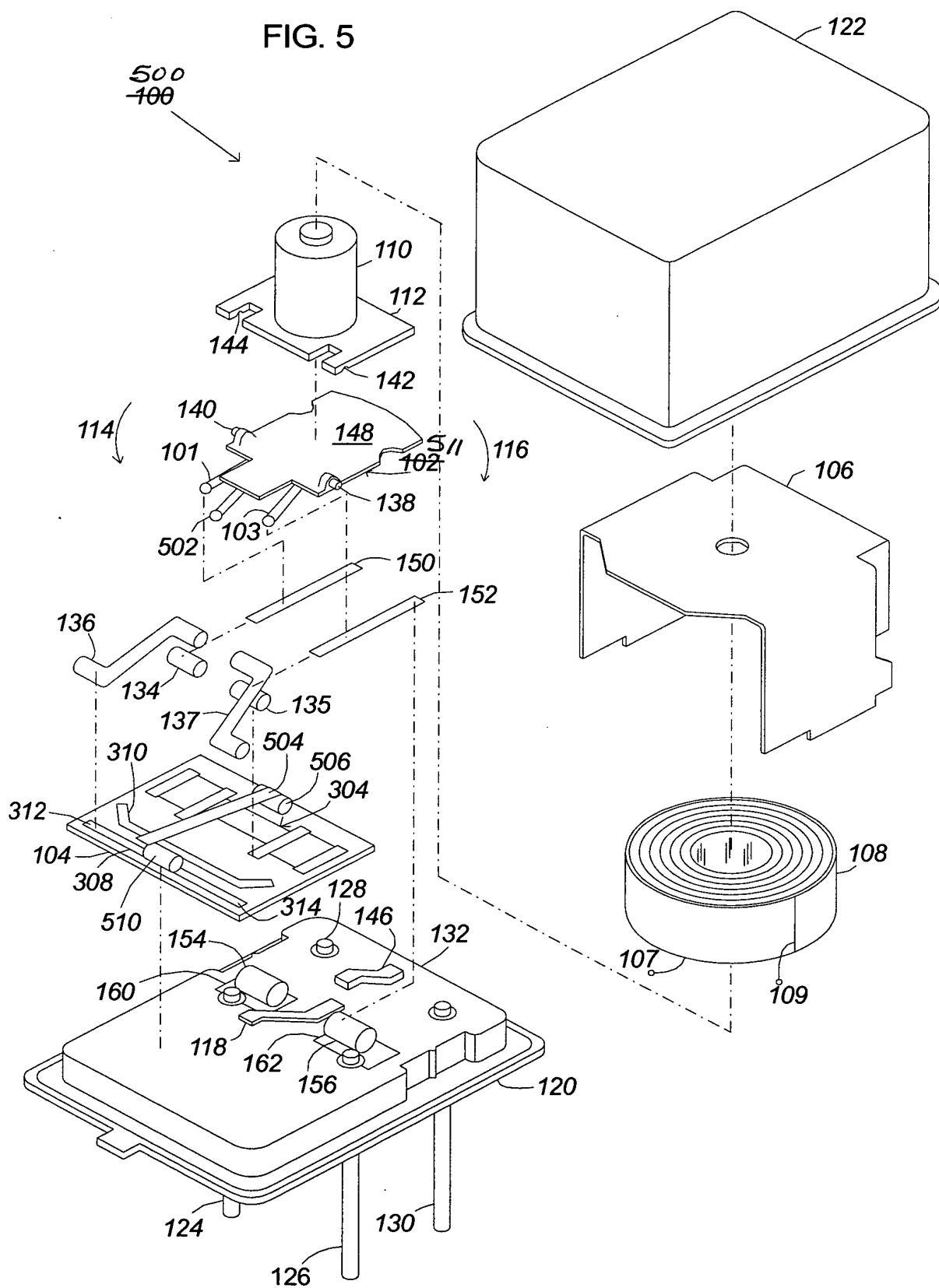
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FIG. 5





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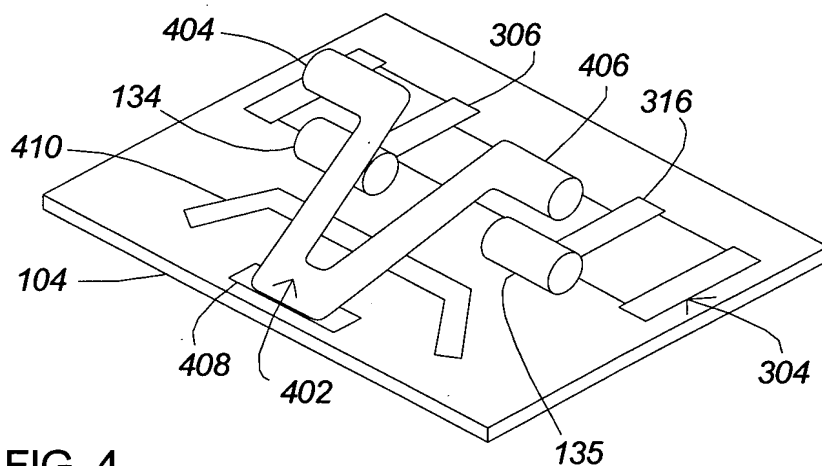


FIG. 4

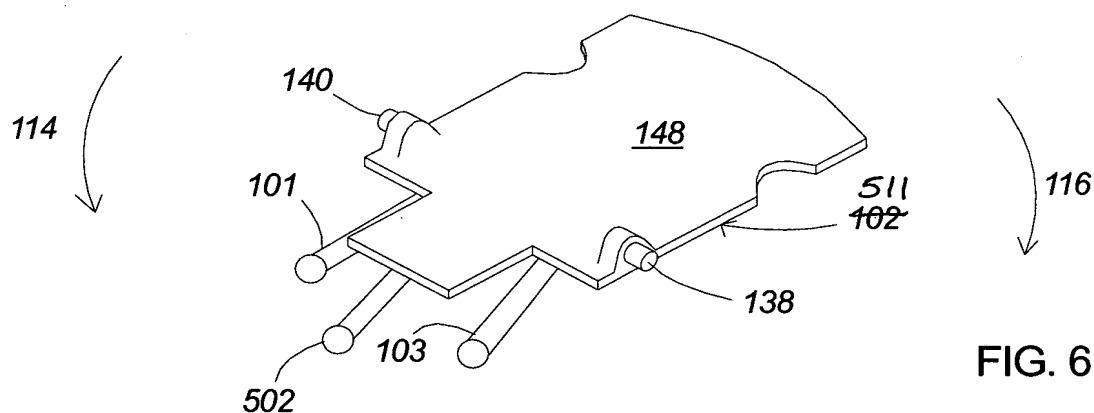


FIG. 6

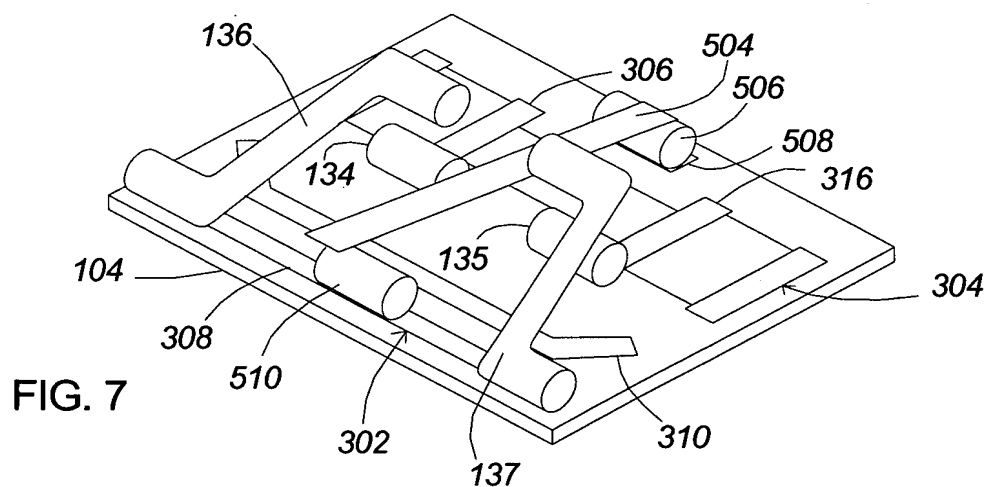


FIG. 7